

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Abortion Facilities—Licensing Standards (LAC 48:I.4403, 4409, and 4415)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.4403, §4409, and §4415 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2175.1 et seq., and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In compliance with the Louisiana Outpatient Abortion Facility Licensing Law, established in Act 391 of the 2001 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted provisions governing the licensing standards for outpatient abortion facilities (*Louisiana Register*, Volume 29, Number 5). The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions of the May 20, 2003 Rule governing the licensing of abortion facilities in order to clarify the licensing requirements and staffing provisions (*Louisiana Register*, Volume 38, Number 10). This Emergency Rule is being promulgated to continue the provisions of the October 20, 2012 Emergency Rule. This action is being taken to promote the health and welfare of Louisiana citizens by assuring the health and safety of women seeking health care services at licensed abortion facilities.

Effective February 18, 2013, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the licensing standards for abortion facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 44. Abortion Facilities

§4403. Licensing Requirements

A. ...

1. An outpatient abortion facility shall be in compliance with all applicable federal, state, and local statutes, laws, rules, regulations, and ordinances, including DHH rules, regulations, and fees, governing or relating to outpatient abortion facilities, abortion or termination procedures, reporting requirements, ultrasound requirements, informed consent requirements or any other matter related to abortion or abortion procedures.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2175.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:705 (May 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

§4409. Personnel

A. - A.6. ...

B. Nursing Personnel

1. The outpatient abortion facility shall provide nursing services.

2. The nursing services shall be provided under the direction of a registered nurse.

3. There shall be a plan of administrative authority with delineation of responsibilities and duties for each category of nursing personnel.

4. The number of nursing personnel on duty shall be sufficient to meet the needs of the patient(s) in the facility. An outpatient abortion facility shall have at least one licensed nurse on duty at all times when there is a patient in the facility who is receiving or recovering from an abortion.

5. All nurses employed by the facility shall have a current and valid Louisiana nursing license as a registered nurse (RN) or licensed practical nurse (LPN), as appropriate. The facility shall verify and maintain documentation of the nursing license in the personnel file.

6. All licensed nurses shall have current documentation in their personnel file of successfully completing a basic life support course.

7. Nursing care policies and procedures shall be in writing and be consistent with accepted nursing standards. Policies shall be developed for all nursing service procedures provided at the facility. The procedures shall be reviewed at least annually and revised as necessary.

8. A formalized program of in-service training and evaluation for competency shall be developed for all categories of nursing personnel and for all nursing services provided at the facility. Training related to required job skills shall be provided to nursing personnel. The facility shall maintain documentation of the training provided and evaluation for competency in the personnel file.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2175.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:707 (May 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

§4415. Patient Records and Reports

A. - A.1. ...

2. The department is entitled to access all books, records, or other documents maintained by or on behalf of the facility on the licensed premises to the extent necessary to ensure compliance with this Chapter 44. Ensuring compliance includes permitting photocopying by the department or providing photocopies to the department of any records or other information by or on behalf of the department as necessary to determine or verify compliance with this Chapter.

A.3 - E.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2175.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:708 (May 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

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